

9/20/18 EL

1 KEKER, VAN NEST & PETERS LLP
2 ELLIOT R. PETERS - # 158708
3 epeters@keker.com
4 AJAY S. KRISHNAN - # 222476
5 akrishnan@keker.com
6 BEVAN A. DOWD - # 308611
7 bdowd@keker.com
8 633 Battery Street
9 San Francisco, CA 94111-1809
10 Telephone: 415 391 5400
11 Facsimile: 415 397 7188

7 WANGER JONES HELSLEY PC
8 OLIVER W. WANGER - # 40331
9 owanger@wjhattorneys.com
10 PETER M. JONES - # 105811
11 pjones@wjhattorneys.com
12 265 E. River Park Circle, Suite 310
13 Fresno, CA 93720
14 Telephone: 559 233 4800
15 Facsimile: 559 233 9330

12 Attorneys for Dr. Yorai Benzeevi and
13 HealthCare Conglomerate Associates, LLC

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF TULARE, VISALIA DIVISION

16 In re SEARCH WARRANT NO. 013487
17 EXECUTED AUGUST 22, 2018 AT
18 JPMORGAN CHASE BANK YORAI
19 BENZEEVI,

20 Moving Party,

21 v.

22 SUPERIOR COURT OF THE COUNTY
23 OF TULARE

24 Respondent,

25 TULARE COUNTY DISTRICT
26 ATTORNEY'S OFFICE,

27 Real Party in Interest.

Case No.

**[PROPOSED] ORDER GRANTING DR.
YORAI BENZEEVI'S MOTION FOR
RETURN OF SEIZED PROPERTY AND
RELATED EVIDENTIARY HEARING;
MEMORANDUM IN SUPPORT**

Date: October 5, 2018
Time: 2:00 p.m.
Dept.: 13
Judge: Hon. John P. Bianco

[PROPOSED] ORDER GRANTING DR. YORAI BENZEEVI'S MOTION FOR RETURN OF SEIZED
PROPERTY AND RELATED EVIDENTIARY HEARING

Case No.

1 The motion of Moving Party Yorai Benzeevi for Return of Seized Property and Related
2 Evidentiary Hearing came before this Court on October 5, 2018 at 2:00 p.m.

3 After considering the moving papers and all other matters presented to the Court, the
4 Court hereby finds that the facts and law presented to the Court establish that Warrant No.
5 013487 was not supported by probable cause because a) no crime has been committed related to
6 the Celtic loan proceeds, and b) the State cannot show that the money seized pursuant to Warrant
7 No. 013487 is the same money that was disbursed one year ago through the Celtic loan.
8 Moreover, the continued seizure of these funds, which are unrelated to an alleged crime, violates
9 Dr. Benzeevi's Sixth Amendment right to counsel of his choice.

10 Thus, IT IS HEREBY ORDERED that Dr. Benzeevi's Motion for Return of Seized
11 Property and Related Evidentiary Hearing is GRANTED. Accordingly, the funds seized in Dr.
12 Benzeevi's personal accounts, as well as the funds in the HCCA accounts, are ORDERED to be
13 released within 24 hours.

14
15 **IT IS SO ORDERED.**

16
17 Dated: _____, 2018

18 By: _____
19 Honorable John P. Bianco
20 Judge of the Superior Court
21
22
23
24
25
26
27
28